to injured employees where he is not responsible for the injury, 5 LABATT, MASTER AND SERVANT, 6179, and cases there cited; nor to rescue employees from imminent peril. *Allen* v. *Hixson,* 111 Ga. 460. But in several well-considered cases of recent date it is very clearly stated that where an employee becomes incapacitated to help himself by reason of sickness, injury, etc., although not through the fault of the employer, the latter is under duty to make all reasonable effort to prevent loss of life or great injury. *Hunicke* v. *Meramac Quarry Co.,* 212 S. W. 345 (Mo., 1919); *Bessemer Land and Improvement Co.* v. *Campbell,* 121 Ala. 50; *Troutman's Adm.* v. *L. & N. Ry. Co.,* 179 Ky. 145; *Ohio & Mississippi R. Co.* v. *Early,* 141 Ind. 73. With this doctrine the instant case is in accord. However, in all of these cases cited the business involved was a hazardous one, and in some of them the doctrine is expressly limited to such business. In this aspect the principal case is an extension upon the doctrine. If so, it would seem a justifiable extension. With an employee beyond self-help and in danger of death or great permanent injury, with an employer peculiarly able to give the necessary aid, it is surely not a grievous burden to require him to make reasonable use of the means at hand to save the life or prevent the permanent injury. The doctrine should be limited to emergencies. There is, however, another possibility in the case. Where one who is under no duty to give aid undertakes to do so, his position is changed and he is bound to use reasonable care not to aggravate the injury instead of helping it. *Depue* v. *Flateau,* 100 Minn. 299; *Ry. Co.* v. *Marrs,* 119 Ky. 954; *Northern Cent. Ry. Co.* v. *State,* 29 Md. 420; *Dyche* v. *Ry. Co.,* 79 Miss. 361; *Gates* v. *Chesapeake & Ohio R. Co.,* 185 Ky. 24. See, however, *Union Pacific R. Co.* v. *Cappier* and *Griswold* v. *Ry. Co., supra.* The defendant in the instant case, having taken charge of the plaintiff, was bound to use reasonable care not to increase the danger. As the court expresses its approval of this doctrine as well as of that noted above, and does not state upon which it rests its decision, neither part of the case can be taken as *dictum.*

MASTER AND SERVANT—ILLEGAL EMPLOYMENT OF A MINOR NEGLIGENCE PER SE.—Plaintiff, a boy less than fourteen years of age, was employed by defendant to drive a delivery wagon, in violation of the Child Labor Law. In the course of his employment he either fell or was thrown from the wagon and was injured. *Held,* that employment of a minor in violation of statute constitutes negligence *per se,* and if injury to such child proximately results from the employment a right of action in its favor arises. *Terry Dairy Co.* v. *Nalley* (Ark., 1920), 225 S. W. 887.

The conflicting minority view is that the unlawful employment is only evidence of negligence to be considered by the jury with other facts tending to show negligence. *Stehle* v. *Jaeger Automatic Machine Co.,* 220 Pa. 617. *Berdos* v. *Tremont and Suffolk Mills,* 209 Mass. 489. The prevailing view that such illegal employment is negligence *per se* in an action by the child for injuries received in the course of the employment seems to rest on the sound legal reasoning that the violation of a duty created by a statute is the

same as a violation of a duty created by a rule of the common law. And if in either case such violation results in injury to another, the wrongdoer is liable to him as a matter of law. *Lee* v. *Sterling Silk Mfg. Co.*, 93 N. Y. Supp. 560. The fact that the law may impose a penalty makes no difference unless the penalty be expressly given to the party injured in satisfaction of such injury. *Klatt* v. *The N. C. Foster Lumber Co.*, 97 Wis. 641. In determining when such employment shall be regarded as the proximate cause of the injury, and therefore actionable negligence, the courts are often very liberal to the child. For example, in *Iron and Wire Co.* v. *Green*, 108 Tenn. 161, the company was held liable for injuries sustained by a twelve-year-old boy who had left the building where they had set him to work and was injured while playing with some panels of iron fence on the premises, on the ground that he would not have been on the premises had he not been employed by the company. The employer cannot contend that such injury was not the proximate cause on the ground that the injury was not foreseeable, because the statute itself indicates that such children are unfit by reason of their indiscretion to be so employed. *E. P. Breckenridge Co.* v. *Reagan*, 22 Ohio Cir. Ct. R. 71. The same question arises under the Workmen's Compensation Acts, where the majority opinion holds, as here, that the employer's failure to perform his statutory duties for his employees' safety is negligence *per se*. *Paul Mnfg. Co.* v. *Racine*, 43 Ind. App. 695.

NEGLIGENCE—PEDESTRIAN CROSSING STREET RAILWAY TRACK—ERROR OF JUDGMENT—CONTRIBUTORY NEGLIGENCE.—The plaintiff, before starting to cross a street, saw a car more than a block away rapidly approaching, and when he had crossed the first track saw that the car was approximately thirty feet away, but thinking that he could get across without being struck proceeded without increasing his speed, and was struck. *Held*, he was guilty of contributory negligence as a matter of law. *McGuire* v. *New York Rys. Co.* (N. Y., 1920), 128 N. E. 905.

A pedestrian is bound to make reasonable use of his faculties before crossing a street railway track, in order to ascertain the nearness of approaching cars. That is, the so-called "look and listen" rule applies to street railways as well as to steam railways. *Hooks* v. *Huntsville Ry., Light & Power Co.*, 147 Ala. 700; *Doherty* v. *Detroit Citizens' St. Ry. Co.*, 118 Mich. 209; *Riska* v. *Union Depot Ry. Co.*, 180 Mo. 168; *Kappus* v. *Metropolitan St. Ry. Co.*, 81 N. Y. S. 442; *Harpham* v. *Northern Ohio Traction Co.*, 26 Oh. C. C. R. 253; *Sullivan* v. *Consolidated Traction Co.*, 198 Pa. St. 187; *Stafford* v. *Chippewa Val. Elec. Ry. Co.*, 110 Wis. 331. But see *contra*: *Los Angeles Traction Co.* v. *Conneally*, 136 Fed. 104; *Marden* v. *Portsmouth, K. & Y. St. Ry. Co.*, 100 Me. 41; *Roberts* v. *Spokane St. Ry. Co.*, 23 Wash. 325. See also 19 MICH. L. REV. 452. In addition to looking and listening, the pedestrian must exercise reasonable care for his safety in other respects. Thus, he may not recover for an injury sustained by carelessly stepping in front of an oncoming car which is close upon him when he enters on the track. *Webster* v. *New Orleans, &c., Ry. Co.*, 51 La. An. 299; *Hamilton* v.